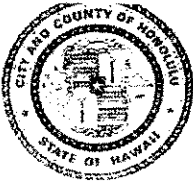


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CITY AND COUNTY OF HONOLULU
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FOR IMMEDIATE RELEASE

Date: Tuesday, July 31, 2007
To: News Media
From: Councilmember Rod Tam, City Council District VI *RJ*
Subject: Ethics Investigation of Councilmember Charles Djou

I recently submitted a request to the City's Ethics Commission for an opinion on whether Councilmember Charles Djou had violated Section 11-102(b) of the Revised Charter of Honolulu by deliberately disclosing confidential information gained by reason of the councilmember's office. The incident in question came up at the April 18, 2007 meeting of the Council's Executive Matters Committee during which time the members met in Executive Session to discuss the pending EPA settlement with the City with regards to our sewage problems.

A recent editorial by the Star Bulletin sided with Councilmember Djou for releasing the confidential information presented to us by the City's Corporation Counsel citing the public's "right to know". While I have always fought to make our legislative process as open to the public as possible, there are times when it is in the best interest of the City for certain information to remain confidential until a formal vote on a particular settlement is finalized. Under HRS Section 92-5(a) a board (Council), is allowed to adjourn into Executive Session to "consult with the board's attorney (Corporation Counsel) on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities". Once a final vote is taken the information will be made public.

What I am concerned about is that no member of the City Council be allowed to put his or her personal or political interests ahead of the best interest of the City. Councilmember Djou, an attorney himself, cited that the "client" holds the attorney-client privilege and that allowed him to release the information since the Council was the client. This statement is only partially true as the Council is the client but acts as a body and not as individual councilmembers. In order for any councilmember to release any confidential information presented in Executive Session it must be approved by a majority of the members in the Executive Session. This has been confirmed through an opinion rendered by the City's Corporation Counsel.

July 31, 2007

Page 2 of 2

Eight councilmembers chose to protect the confidential and sensitive information presented to them in Executive Session in order for the City to attain the best possible settlement with the EPA at the least amount of cost to the City. One member decided to put his self-interest above the interests of the City and his fellow colleagues and could have possibly jeopardized the City's settlement discussions resulting in added costs to the City.

The City Council will be deciding through Council Chair Barbara Marshall's Resolution 07-173, whether it will enact a policy on the release of confidential information obtained in any Executive Session.